

REMARKS**I. Status**

Claims 1-15 are pending in the application prior to entry of the present amendment. Non-elected claims 3, 8, 10, and 14-15 are currently cancelled without prejudice to pursuing the subject matter defined by the indicted claims in any continuing application. Claims 12-13 are also currently cancelled without prejudice and new claim 16 is currently being presented, as discussed in greater detail below. No new matter is being added by the current amendments. Therefore, claims 1-2, 4-7, 9, 11, and 16 are pending after entry of the current amendment contrary to the Examiner's indication at page 2, of the present Office Action that claims 1, 2, 4-7, 9, 12, and 13 are pending.

The rejection of claims 12-13 under 35 U.S.C. § 112, ¶1 with regard to the enablement and written description requirements remains as the sole rejection in the application.

Applicants are grateful to the Examiner for telephonically contacting the undersigned on or about May 27, 2005 and indicating that a generic pharmaceutical composition claim would be allowable. As such, Applicants are adding new claim 16, which defines a pharmaceutical composition comprising a therapeutically effective amount of a compound according to claim 1, or pharmaceutically acceptable salts, tautomers, and pro-drugs thereof, and a pharmaceutically acceptable carrier. Given the favorable indication provided by the Examiner, entry of new claim 16 is appropriate since it places the application in better condition for allowance.

Applicants also thank the Examiner for the indication at page 3 of the Office Action that claims 1-2 4-7, 9 and 11 are allowable upon cancellation of the non-elected claims. In view of the current cancellation of non-elected claims 3, 8, 10, and 14-15, claims 1-2 4-7, 9 and 11 are in condition for allowance.

II. The § 112, ¶1 Rejection of Claims 12 and 13 Is Overcome

Claims 12-13 stand rejected under § 112, ¶1 with regard to the enablement and written description requirements. Applicants traverse each of the rejections.

At page 2 of the Office Action, the Examiner asserts that claims 12 and 13 lack sufficient disclosure with respect to written description and enablement. Applicants respectfully traverse the rejection at least because of reasons of record. Notably, those of skill in the art given benefit of the present disclosure would know how to make and use the pharmaceutical compositions defined by claims 12 and 13. Certainly, the scope of the disclosure indicates that Applicants were in possession of the subject matter defined by claims 12 and 13 at the time of filing. Nevertheless, solely to advance the prosecution of the present application, Applicants are currently canceling claims 12 and 13 without prejudice to pursuing the subject matter of such claims in a continuing application. As such, the current rejection is moot.

While not specifically addressed in the current Office Action, Applicants are currently presenting new composition claim 16. Those of skill in the art given the benefit of the present disclosure, e.g., the IC₅₀ data at page 39 of the specification, would be able to formulate therapeutically effective compositions using standard methods known in the art. In that regard, those of skill in the art given the benefit of the present disclosure would readily be able to formulate such compositions at proper dosage levels. In view of the foregoing remarks and the Examiner's indication that claim 1 is allowable, new claim 16 is in condition for allowance.

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III. Conclusion

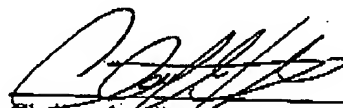
Having addressed all outstanding issues, Applicants kindly request removal of all rejections and allowance of the application at this time. To the extent the Examiner believes that it would facilitate allowance of this case, the Examiner is urged to call the undersigned at the number below.

Applicants believe that no fee is associated with the filing of this paper. However, to the extent an additional required fee is due, the Commissioner is hereby authorized by this paper to charge any required fees or credit any overpayment to Deposit Account 16-1445.

Respectfully submitted,

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